

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

AGNES WISE,)
)
Plaintiff,)
)
vs.) CIVIL NO. 09-871-GPM
)
BLAIR LLC and BLAIR CORPORATION,)
)
Defendants.)

MEMORANDUM AND ORDER

MURPHY, District Judge:

Before this Court are Defendant Blair LLC's and Blair Corporation's (collectively, Blair) Motion to Stay All Proceedings (Doc. 30) pending the outcome of Blair's Motion for Transfer to the Judicial Panel on Multi-District Litigation (JPML) (Doc 26), and Blair's Motion for Leave to File Supplemental Information in Support of its Motion to Stay (Doc. 38). Plaintiff Agnes Wise (Mrs. Wise) responded to Blair's Motion to Stay (Doc. 32) and Blair filed a reply (Doc. 37). The issue therefore has been fully briefed and, for the reasons outlined below, Blair's Motion to Stay is denied.

Mrs. Wise filed this case in St. Clair County Court on September 16, 2009, alleging personal injuries she suffered when a chenille robe, manufactured by Blair, caught on fire. The case was then removed to this Court on Blair's Notice of Removal on October 15, 2009 (Doc. 4). On December 30, 2009, Blair filed a Motion for Transfer and Coordination pursuant to 28 U.S.C. § 1407, which is currently pending before the JPML.

Federal Rule of Procedure of the JPML 1.5 provides that a pending motion for transfer to the

Panel “does not affect or suspend orders and pretrial proceedings in the district court in which the action is pending and does not in any way limit the pretrial jurisdiction of that court.” In addition to retaining jurisdiction over the case, this Court has discretion in deciding whether to suspend proceedings. *See Leavell v. Heartland Payment Systems, Inc.*, No. 09-CV-270-MJR, 2009 WL 1393306, at *1 (S.D. Ill., May 18, 2009).

Here, four separate cases are the subject of Blair’s Motion for Transfer currently before the JPML, and a fifth case allegedly has been filed. With a relatively small number of cases to consolidate, however, it is uncertain whether the JPML will grant Blair’s motion. The Court also notes that the Plaintiff, Mrs. Wise, is 70 years old. Finally, Blair acknowledges that its motion likely will be taken up at the JPML’s March 2010 session. If that, in fact, occurs then the JPML will likely issue a decision sometime in the next three to four months.

For the foregoing reasons, Blair’s Motion to Stay is **DENIED**. However, while this Court declines to stay the matter, like the Court in *Leavell*, it will closely monitor future orders from the JPML. Further, this Court will delay issuing a Scheduling and Discovery Order for 90 days while Blair’s Motion for Transfer is pending before the JPML. In light of the foregoing, Blair’s Motion for Leave to File Supplemental Information in Support of Motion to Stay All Proceedings (Doc. 38) is **DENIED** as moot.

IT IS SO ORDERED.

DATED: 02/10/10

/s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge